

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**JUNE 16, 2003**

**INGRAM OFFICE BUILDING**  
**7900 HICKMAN ROAD**  
**URBANDALE, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 10:00 a.m. on Monday, June 16, 2003, in the Ingram Office Building, Urbandale, Iowa.

### MEMBERS PRESENT

Lisa Davis Cook, Secretary  
Lori Glanzman  
Darrell Hanson  
Kathryn Murphy, Chair  
Darrell Hanson, Vice Chair  
Francis Thicke – arrived at 11:30  
Jerry Peckumn  
Heidi Vittetoe

### MEMBERS ABSENT

Terrance Townsend

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Move agenda Item 7 Amendment to Memorandum of Agreement with Iowa Dept. of Economic Development after Item 4 Agreement with Iowa Waste Reduction Center.
- Add: Appointment – Chris Gruenhagen, Iowa Farm Bureau Association and Mike Triplett, Association of Business and Industry. Prior to speaking on Item 11.

*Motion was made by Jerry Peckumn to approve the agenda as amended. Seconded by Lori Glanzman. Motion carried unanimously.*

APPROVED AS AMENDED

### APPROVAL OF MINUTES

Lori Glanzman noted on the signature page of the minutes that it should read Lisa Davis Cook as Secretary and not Rita Venner.

*Motion was made by Lisa Davis Cook to approve the minutes as amended. Seconded by Jerry Peckumn. Motion carried unanimously.*

APPROVED AS AMENDED

## **DIRECTOR'S REPORT**

Jeff Vonk updated the Commissioners on the Water Quality Summit. A meeting will be held in October or November; more details next month. We are continuing to work with the expanded core group. There may be an opportunity for Commissioners to be involved once things start to take process.

Donna Buell commended the DNR staff for their efforts in the Project A.W.A.R.E. program!

## **AGREEMENT WITH THE IOWA WASTE REDUCTION CENTER**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

The Commission will be asked to approve the agreement between the Department and the Iowa Waste Reduction Center (IWRC). This agreement continues the Iowa Air Emission Assistance Program (IAEAP), which is the technical assistance component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act.

IAEAP assists small businesses with air permitting requirements, emission estimations, and determination of regulatory status and compliance requirements. They also provide small businesses with on-site visitations for compliance and pollution prevention assistance, and information concerning alternative technologies, process changes, procedures and methods of operation that help reduce air pollution.

The agreement is for the period of July 1, 2003 through June 30, 2004. The agreement is a variable cost based, allowing for quarterly payments not to exceed \$395,857. The agreement is funded through Title V air quality permitting fees. This is an increase of \$22,407 from the prior year due to increased costs of salary, benefits, and in-state travel.

Jim McGraw presented the item to the Commission.

Dan Nickey, Program Manager at the Iowa Waste Reduction Center passed out informational folders on the services that they provide. A small business is defined as having less than 100 employees and non major sources. The services we provide are free and non regulatory. Our facility is open at any time if you would like to take a tour.

Darrell Hanson asked if small farm operators would be eligible for assistance.

Dan Nickey said yes, as long as they meet the qualifications of a small business. We can address more than just air regulations but also hazardous waste, underground storage tanks, used oil, etc. Anything where that business will have to comply with either EPA or DNR regulations.

*Motion was made by Jerry Peckumn to approve the agreement with the Iowa Waste Reduction Center. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **AMENDMENT TO MEMORANDUM OF AGREEMENT (MOA) WITH THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT**

Wayne Gieselmann, Administrator of the Environmental Services Division presented the following item.

The Commission is asked to approve an amendment to the Memorandum of Agreement (MOA) between the Department and the Iowa Department of Economic Development (IDED) for the purpose of administering Environmental Business Assistance Programs. These programs facilitate the conservation of Iowa's natural resources, provide technical assistance to Iowa businesses to enhance environmental protection and business productivity, and help develop a sustainable and prosperous Iowa economy for Iowa citizens.

The MOA assists in improving communication, efficiencies, and coordination of service provided by the following programs: Recycle Iowa, Iowa Waste Exchange, Small Business Air Quality Liaison, Regulatory Assistance, and Brownfield Redevelopment.

The Small Business Air Quality Liaison, a position mandated by Section 507 of the federal Clean Air Act Amendments of 1990, has a cost reimbursable agreement not to exceed \$70,000. The agreement is funded through Title V air quality permitting fees of \$65,000 and a \$5,000 pollution prevention incentives to states grant. The Liaison serves as a non-regulatory contact for small businesses seeking information and assistance related to fulfilling their environmental permitting responsibilities, assists with concerns between Iowa's small businesses and the Department, and ensures that air quality regulations are understandable. The Liaison also works closely with the Department to address evolving issues and to provide additional assistance as needed.

This amendment is being established to revise the following areas of the MOA in regards to the Small Business Air Quality Liaison activities for state fiscal year 2004:

- reoccurring report due dates
- payment schedule
- agreement amount
- scope of work

Jim McGraw presented the item to the Commission.

Wendy Walker, Small Business Air Quality Liaison passed out a brochure of the program overview of services that they provide. We are able to assist on water quality issues also.

*Motion was made by Darrell Hanson to approve the MOA with Iowa Dept. of Economic Development. Seconded by Donna Buell. Motion carried unanimously.*

**APPROVED AS PRESENTED**

Wayne Gieselman mentioned that the DNR is working on creating an internal position that will be able to assist cliental in all issues such as water, air, solid or hazardous waste, etc. (passed out a regulatory guide pamphlet)

Heidi Vittetoe asked Dan Nickey if they just guide people by telling them what to do or do they actually do some of the work?

Dan Nickey said that the Air Program he is currently with will actually do the inventory for you as long as there are less than 100 employees.

## **PUBLIC PARTICIPATION**

**Larry Ginter**, Retired hog farmer and a member of the Iowa CCI, Rhodes Iowa. Larry urged the Commission, when the time comes to take action, to vote against the petition for Rulemaking by Agribusiness Association of Iowa.

**Erin Jordahl**, Iowa Chapter of the Sierra Club encourages the EPC and DNR to re-start the rulemaking process for ambient air quality standards by proposing a version of the rules nullified by the State legislature. The rules were created to protect public health as much as possible while also following the unfortunate limitations put on the university study recommendations by SF2293. Regarding Item 19, we recommend that you start the rule making process. (passed out a comment letter)

## **INTERAGENCY AGREEMENT FOR THE POLK COUNTY AIR QUALITY DIVISION PROGRAM**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Polk County Board of Supervisors. This agreement sets forth each agency's role in the ongoing implementation of the Polk County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Polk County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections, and reviewing and drafting Title V operating permits.

The agreement is for the period of July 1, 2003 through June 30, 2004. The agreement establishes variable payments, totaling \$731,399. This agreement is funded by the air contaminant fund, \$490,036, 105 federal grant, \$173,132, and 103 federal grant, \$68,231.

Jim McGraw presented the item to the Commission.

Jerry Peckumn asked if the permit fees that the DNR charges are slightly lower than what Polk County charges?

Jim McGraw said that the DNR does not charge any fees on construction permitting.

Lori Glanzman asked if we are moving forward to have other counties participating.

Jim McGraw said the only county that has approached us to participate is Cerro Gordo, the Mason City area.

*Motion was made by Jerry Peckumn to approve the Agreement for Polk County Air Quality. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **INTERAGENCY AGREEMENT FOR THE LINN COUNTY AIR QUALITY PROGRAM**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Linn County Board of Health. This agreement sets forth each agency's role in the ongoing implementation of the Linn County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Linn County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting Title V operating permits.

The agreement is for the period of July 1, 2003 through June 30, 2004. The agreement establishes variable payments, totaling \$590,603. This contract is funded by the air contaminant fund, \$416,600, 105 federal grant, \$126,652, and 103 federal grant, \$47,351. The agreement amount for last year was \$510,963.

Jim McGraw said that there are approximately nine FTE's in the program. Linn County contributes \$141,000 in fiscal year 04. There is a combination of the county general fund equivalent and fees.

*Motion was made by Lori Glanzman to approve the agreement for Linn County Air Quality. Seconded by Lisa Davis Cook. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **SFY 2004 DNR/UHL AIR QUALITY BUREAU SUPPORT CONTRACT**

Wayne Gieselmann, Administrator of the Environmental Protection Division presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the University of Iowa Hygienic Lab (UHL). The agreement provides UHL support of Air Quality Bureau activities including ambient air monitoring, ambient air modeling, emissions inventory, stack testing, and asbestos sample analysis.

The agreement is for the period of July 1, 2003 through June 30, 2004. The agreement establishes variable payments, totaling \$2,264,104. This contract is funded by the air contaminant fund, \$1,172,807, federal grant, \$443,946, and 103 federal grant, \$472,351, and state livestock (central office) fund, \$175,000. The agreement amount for last year was \$2,032,034. Increases in the contract amount are associated with air monitoring near animal feeding operations as well as increased operation and maintenance and staff costs associated with the base program.

Jim McGraw presented the item to the Commission.

Jerry Peckum asked about monitoring sites.

Jim McGraw said that there will be ten monitoring sites after the additional four are added. That's counting the two EPA monitors that we also have. The earliest monitoring data goes back to April of last year.

Jerry Peckum asked if they cost \$125,000 for just equipment.

Catharine Fitzsimmons said that they are about \$60,000 each plus the equipment for the odor study, additional data loggers and backup equipment.

*Motion was made by Lisa Davis Cook to approve the Contract with DNR/UHL Air Quality Bureau. Seconded by Jerry Peckum. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION - CHAPTER 22, CONTROLLING POLLUTION (AIR CONSTRUCTION PERMITTING EXEMPTION FOR SMALL UNITS)**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

The attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code, is being presented to the Commission for information. The purpose of this rulemaking is to add a new paragraph 22.1(2) "w" for emission units that can classified as small units. Approval to proceed with the rulemaking process and publish a notice of intended action on this proposed rule revision will be requested at the July 21, 2003 Commission meeting.

This rulemaking is the result of a cooperative negotiated rulemaking process between the department and representatives of the Iowa Association of Business and Industry (ABI) that began in 2001. The Commission was first notified of the negotiations related to air construction permitting exemptions in an information agenda item presented on August 20, 2001. This information item was followed by a Notice of Intended Action at the September 17, 2001 Commission meeting that was published in the Iowa Administrative Bulletin Volume XXIV, Number 8, on October 17, 2001, as ARC 1024B. Some of the proposed exemption modifications and additions included in the September 2001 Notice of Intended Action were adopted by the Commission at the May 20, 2002 meeting. Other proposed exemption revisions were withdrawn at ABI's request for further consideration of comments provided by the U.S. EPA during the public comment period.

This Notice of Intended Action is the result of negotiations that were resumed in December 2002 between ABI, the department, and the U.S. EPA and addresses many of ABI's concerns regarding permitting requirements for small indoor venting sources. Both the department and ABI are interested in reducing the regulatory burden on industry where the actual emissions of air contaminant sources are likely to have little or no environmental or human health consequences.

Paragraph 22.1(2)"w" adds a significant new exemption for "small units." Small units are defined as emission units and associated control equipment (if applicable) that emit less than 40 pounds per year of lead and lead compounds expressed as lead, 5 tons per year of sulfur dioxide, 5 tons per year of nitrogen oxides, 5 tons per year of volatile organic compounds, 5 tons per year of carbon monoxide, 5 tons per year of particulate matter, and 2.5 tons per year of PM10. This exemption applies to both existing and new or modified small units.

An owner or operator that utilizes the small unit exemption must maintain on-site an "exemption justification document". The exemption justification document must document conformance and compliance to the emission rate limits contained in the definition of "small unit" for the particular emission unit or group of similar emission units obtaining the exemption. The controls described in the exemption justification document establish a limit on the potential emissions. This is useful for facilities that are seeking to obtain federally enforceable emission or operating limits, or establish federal recognition of the operation of control equipment to avoid permitting requirements of other air regulatory programs such as PSD and Title V Operating Permits.

The last portion of this new exemption addresses concerns that the operation of many of these small units may together lead to negative environmental impacts. A subcategory, "substantial small unit" is defined as those units that emit seventy-five percent of the small unit thresholds. The owner or operator of the facility must notify the department within 90 days of the end of the first calendar year that the aggregate emissions from substantial small units at the facility exceed any of the "cumulative notice thresholds" defined in the exemption. Once a cumulative notice threshold is exceeded, the owner or operator must apply for air construction permits for all substantial small units for which the cumulative notice threshold for the pollutant(s) in question has been exceeded.

Jim McGraw presented the item to the Commission.

Heidi Vittetoe asked for an example of what a small emission would include.

Jim McGraw said it could include a welder, sawing, wood cutting, automated or hand held. A unit is an object not a business. A source would be considered the facility.

Donna Buell asked how a small business would know when they have reached the level of too many emissions.

Jim McGraw said that they would be keeping track of it through the Exemption Justification document. This is kept on site for inspectors or our Bureau to look at. It's their responsibility to record their emissions. The use of this proposed exemption is voluntary.

<b>INFORMATIONAL ONLY</b>
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**NOTICE OF INTENDED ACTION- CHAPTER 23, EMISSION STANDARDS FOR CONTAMINANTS (OPEN BURNING RULE REVISIONS INCLUDING CONTROLLED BURNING OF A DEMOLISHED BUILDING.)**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

Approval to proceed with the rulemaking process and publish a notice of intended action will be requested of the Environmental Protection Commission at the June 16, 2003 meeting. The attached Notice of Intended Action, amends Chapter 23 "Emission Standards for Contaminants," 567 Iowa Administrative Code.

The purpose of the proposed rulemaking is to implement 455B.133(10) of the Iowa Code that was passed as Senate File 2325 of the 79th General Assembly and signed into law. The legislation provided an additional exemption under which cities may conduct controlled burning of a demolished building and required the department to adopt rules to implement this

legislation. This rulemaking specifies the conditions that must be met in order for a city to use the “new” exemption for controlled burning of a demolished building.

In addition, this rulemaking will also make the following changes to the state’s open burning regulations:

- ◆ Adds emphasis that, when requesting a waiver from the open burning, additional information may be requested by the department to ensure that the national ambient air quality standards are met.
- ◆ Provides clarification that the burning of disaster rubbish under 23.2(3)”a” must be conducted in accordance with the requirements in the federal asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP).
- ◆ Makes a distinction between training fires and a controlled burn of a demolished building.
- ◆ Adds a definition for “training fire.”
- ◆ Adds a definition for “bona fide training.”
- ◆ Provides clarification that the burning of agricultural structures under 23.2(3)”i”, must be conducted in accordance with the federal asbestos NESHAP regulations.

On April 15 and 16, 2003, the department sent e-mail and written correspondence to stakeholders potentially impacted by this proposed rulemaking, and invited them to an April 30 information meeting. The department scheduled an additional information meeting for interested parties that notified the department that they were unable to attend the April 30 meeting.

The department held public information meetings on April 30 and May 9, 2003. Based on questions and comments received at these meetings, the department added definitions to the rulemaking to describe the terms “training fire,” “square feet,” and “city.”

If the Environmental Protection Commission approves this Notice of Intended Action, a public hearing will be held on August 7, 2003. The public comment period on the proposed rules will close on August 13, 2003.

Jim McGraw presented the item to the Commission.

Kathryn Murphy said that this rule may be back for final adaptation in September or October.

*Motion was made by Jerry Peckumn to approve the Notice of Intended Action on Chapter 23. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

#### **PETITION FOR RULE MAKING BY AGRIBUSINESS ASSOCIATION OF IOWA, ET. AL.**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Monday, June 2, 2003, the Department of Natural Resources Compliance and Enforcement Bureau received a petition for rule making from the Agribusiness Association of Iowa, and

others. The petitioners request that the Environmental Protection Commission adopt rules related to: (1) the conduct of a field study of ambient air concentrations of hydrogen sulfide and ammonia, and to determine the presence and intensity of odor, (2) monitoring background concentrations of hydrogen sulfide and ammonia, and the presence and intensity of odor, (3) establishment of a health effects panel, (4) adoption of an field study sampling manual, (5) establishing criteria for the location of monitors, and (6) defining the location of monitors from which data may be used in determining whether hydrogen sulfide, ammonia, an/or odor are present at levels commonly know to cause material and verifiable adverse health effects. A copy of the full petition is attached.

The Iowa Administrative Code Uniform Rules for Petitions for Rule Making govern the Department's actions relating to the Petition as follows:

1) Within 14 days after the filing of a petition, the agency must submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by petitioner in the petition, the agency must schedule a brief and informal meeting between the petitioner and the agency, a member of the agency, or a member of the staff of the agency, to discuss the petition. The agency may request the petitioner to submit additional information or argument concerning the petition. The agency may also solicit comments from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the agency by any person.

2) Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the agency must, in writing, deny the petition, and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when the agency mails or delivers the required notification to petitioner.

3) Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the agency's rejection of the petition.

On or before June 16, 2003, the Department will meet with the petitioners in a brief and informal meeting to discuss the petition. At the July 21, 2003, Environmental Protection Commission meeting the Department will make specific recommendation to the Commission to either grant or deny the petition unless the petitioner agrees to a longer period before action is taken.

Wayne Gieselman mentioned that he will probably receive more petitions within the next month dealing with hydrogen sulfide and ammonia.

## **APPOINTMENTS**

**Mike Triplett**, Association of Business and Industry said that when they talked with the legislature regarding the nullification of the proposed hydrogen and ammonia standards, we asked the legislators what their next step of action would be. We want to be apart of this process so we are submitting this petition and ask you to take the certain steps in regard to hydrogen sulfide and ammonia and odor.

**Chris Gruenhagen**, Iowa Farm Bureau Association said that the purpose of this petition is to bring the Department into compliance with Iowa Code section 459.207. It does that in three ways: 1) it includes odor in the proposed petition in the field study. 2) it has the Department conducting the field study prior to having the standards being adopted. We feel that Iowa Code section 459.207 is that it requires the Department to do the field study to determine if there were levels present that were commonly known to cause material and verifiable health problems. At this point the field study has not been completed and we ask that it be completed before the standards are adopted. 3) it requires that the field study be done at separated locations. The Iowa Code 459.207 says that the only data can be used to justify regulations is the data that is collected at separated locations. We believe this helps the Department into retaking a look at this whole issue. There was more information that came out after the report that was not considered.

Chris Gruenhagen mentioned that you can read the report on the web or buy a hard copy for \$40. The website is the National Academy Press.

Jerry Peckumn said that the twelve day study reports “that the air born ammonia exposures during the period of the EI are classified as no apparent public health hazardous.” I think it went on to say that is was a twelve day study with the wind blowing in the direction of the monitors ten percent of the time.

Chris Gruenhagen said the reason it was quoted in the petition is because that is additional information that was available after the University report came out. There is a limitation to the study in that it did not include the time in which agitation did occur.

Jerry Peckumn asked if the Commission could discuss what direction we are heading with the air quality rules. We have this petition and maybe others, I think it maybe a good idea to have the Department develop some recommendations.

*Motion was made by Jerry Peckumn to have the DNR provide the EPC with information on alternative air quality standards, include what other states have for air quality rules and also include a review by the legal staff of the implications of air quality standards being applied to only the livestock industry at the July 21 EPC meeting. Seconded by Darrell Hanson.*

Wayne Gieselman said that the Department will provide some alternatives on how to respond to this petition and where to go from here. If someone is impacted by hydrogen sulfide, what would it matter if it comes from an industrial facility, wastewater facility or a livestock facility. As a department, environmentally we need to look at public health impacts. I don't believe we should not limit ourselves to just a livestock facility.

Jerry Peckumn said that he believes this is a good idea because it gives Wayne direction from the EPC that we do want to look at alternatives and move forward on air quality. I would like to see us have something in place by the Senate file 2293 language that talked about December 1, 2004.

*Motion carried unanimously.*

Discussion and concerned was raised about whether or not we will have enough Commission members at the July meeting to pass or deny a petition.

### **CONTRACT – ST. MARY’S UNIVERSITY, GEOSPATIAL SERVICES, WINONA MN - UPDATE OF THE NATIONAL WETLANDS INVENTORY FOR IOWA (PILOT PROJECT)**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the Department entering into a contract for services with St. Mary’s University GeoSpatial Services to update the National Wetlands Inventory (NWI) for 50 USGS 7.5’ Quadrangles (approximately 2,350 square miles) located in Iowa. The contract amount is not to exceed \$50,000 for the period July 2003 through October 2003. The contract is for the pilot phase of a multi-year project to produce a statewide update of NWI for Iowa. This expenditure is being matched by the US Fish & Wildlife Service through a separate contract with St. Mary’s University to update an additional 50 USGS Quadrangles needed to complete the pilot project. The NWI represents detailed mapping of all surface waters and represents an important data layer supporting efforts relating to water quality, fish and wildlife habitat, and flood water retention. Specifically, an accurate and updated wetland inventory is needed to support the water monitoring program as it expands to include monitoring of wetlands.

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#### **Background**

The NWI for Iowa was based on 1:58,000 color infra-red (CIR) photography acquired circa 1985. The Iowa Color Infra-red Digital Orthophotography Project is near completion and will provide statewide color infra-red photography at 1:40,000 acquired in Spring 2002. The 2002 CIR photography is available in a digital, ortho-rectified format so that NWI updates can be performed using on-screen computerized mapping techniques. The NWI update will allow us to quantify wetland change over a 17 year period. We will also be able to assess changes to river courses and map all new impoundments constructed over that same time period.

The majority of wetland restoration and construction work in Iowa did not begin until the early 1990s. Wetland restoration projects have been conducted through a variety of private lands programs, water quality improvement projects (EPA 319 funding), conservation easements (most notably WRP), mitigation projects, and via land acquisition programs targeted at purchasing lands for wetland restoration. This project represents the first opportunity to map and synthesize all of these activities into a comprehensive data layer.

The cumulative impact of all of these programs is difficult to entirely understand without mapping them explicitly. Updated photography combined with past inventory allows us to assess wetland loss as well. The impacts will vary based on the spatial scale of analysis. IDNR has recently completed a watershed map for the state of Iowa delineating 12-digit hydrologic units which divide Iowa into 1,600 watersheds. These watershed boundaries provide us a new,

and likely more meaningful, set of geographic units for analysis of impacts of wetland change on sediment reaching Iowa's lakes and streams, on lessening the duration and extent of flooding, and on regional wildlife populations. As we continue to define new boundaries and spatial scales for analysis, whether they are based on political or ecological criteria, we realize the need for explicit maps of wetlands and all surface waters to allow scientists and land managers to make the best use of the information.

At this time, the Department requests Commission approval to enter into a contract with St. Mary's University GeoSpatial Services to complete the pilot phase of the project to update the NWI for the state of Iowa.

Mary Skopec said this is the beginning of an ongoing million dollar project. The Fish and Wildlife Service are giving us matching monies. We do 50% and they give 50%. We will also try to bring other partners in as we go along. We have tried to isolate some areas of the state that we need to focus on. North Central Iowa and East Central Iowa are the two areas where we will start this project.

*Motion was made by Darrell Hanson to approve the contract with St. Mary's University. Seconded by Jerry Peckumn. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT WITH UNIVERSITY HYGIENIC LABORATORY FOR ANALYTICAL SERVICES**

Mary Skopec, Section Supervisor in the Water Monitoring Section of the Environmental Services Division presented the following item.

The Department requests Commission approval of contract in the amount of \$31,768 with the University Hygienic Laboratory (UHL) for water quality testing services.

This contract covers the testing of municipal wastewater and industrial discharges for nutrients in order to determine the potential contribution of municipalities to statewide nutrient loads. This testing represents the first widescale monitoring of wastewater effluent for nitrogen species such as nitrate-N and nitrite-N and phosphorus constituents such as dissolved orthophosphate and total phosphorus. This monitoring will allow the DNR to better assess municipal sources of nutrients to state water bodies and will eventually assist in the process of setting state nutrient standards. 35 municipal dischargers across the state have been identified as "typical" wastewater facilities and have agreed to sample their effluent on a monthly basis for the next six months. These facilities are selected only because they represent types of wastewater treatments used in the state, not due to any violations or regulatory action. Additionally, 40 industrial dischargers will be tested to determine concentrations of nutrients from those facilities. These facilities will only

be tested once due to the high likelihood that the wastewater composition does not vary considerably through time.

Funding for this agreement is available from the RIIF state funds appropriated as part Water Quality Standards Development.

Mary Skopec presented the item to the Commission.

Jerry Peckumn asked why not twelve months instead of six?

Mary Skopec said that the nutrient study is due in August and the money needs to be spent before the fiscal year. We hope to develop a partnership with the wastewater community to start getting some of the monitoring done. This is an across the state project. The municipalities are doing the sampling themselves and sending them into the lab. Industries take a sample at least once a year.

*Motion was made by Lori Glanzman to approve the contract with UHL for analytical studies. Seconded by Heidi Vittetoe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

#### **AMENDMENT TO 2003 ENVIRONMENTAL MONITORING AND LABORATORY SERVICES AGREEMENT WITH THE UNIVERSITY OF IOWA – ENVIRONMENTAL SERVICES DIVISION AND DIRECTOR’S OFFICE**

Wayne Gieselmann, Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for an amendment to the FFY 2003 agreement with the University of Iowa’s Hygienic Laboratory (UHL) for environmental monitoring and laboratory services. The UHL agreement currently provides support for a variety of department activities including water monitoring, laboratory services, data management and analysis, and website development and maintenance. This amendment provides ongoing administrative services to the Environmental Services Division and professional services to the Director’s Office at a cost of up to \$33,871 for the period July 1, 2003 through the expiration of the current contract on September 30, 2003.

This amendment provides the Customer Service Bureau with an Administrative Assistant 2 position responsible for assisting with the Electronic Records Management System development and implementation, implementing process improvement efforts in the records center, and performing general duties of an Administrative Assistant 2 as assigned. The amendment also provides for a position in the Director’s Office responsible for representing the Department

various boards and committees and coordinating Department activities involving agriculture with commodity organizations, wildlife groups, environmental organizations, federal and state agencies, and other stakeholder groups. This position will also be responsible for coordinating activities related to agriculture within the Department, working with the Governor's office and state/federal relations office, and providing recommendations to the Director on agricultural issues.

Merit Resources, Inc. is currently providing these services. Since the contract between Merit Resources and the state now limits the provision of a specific individual's services to an eighteen month period, it is in the department's long-term interest to transfer the staff members currently performing these tasks to the UHL contract. This amendment will increase the contract total of \$594,753 to \$628,624 for the current contract period.

It is anticipated that these services will be included in the next contract agreement due to be renewed on October 1, 2003. On an annual basis, the total cost for the provision of these services at the current level will be approximately \$135,484. This cost is easily offset by the avoidance of having to recruit and train qualified individuals every eighteen months. The department is fortunate to have quality individuals performing these functions at the present time and the change in contractors will ensure that these services will continue at the same high level of performance.

Wayne Gieselman presented the item to the Commission.

*Motion was made by Lisa Davis Cook to approve the item as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT -- TOXIC CLEANUP DAY CONTRACT AMENDMENT**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department of Natural Resources is requesting approval to amend our contract with Metro Waste Authority Regional Collection Center to provide hazardous waste collection and disposal services for Department sponsored Toxic Cleanup Days. The amendment will add five events to be held in Calhoun, Decatur, Ringgold, Wayne, and Woodbury Counties in the fall of 2003. The contract amount is not to exceed \$72,790. Toxic Cleanup Day host counties are required to provide a cost share for the event based upon the number of households in the county. The DNR share is funded with revenues from Retailer Permits received under the Retailer Consumer Education Program.

**Background**

Toxic Cleanup Days are one day events to provide households and farms a safe and environmentally responsible way to dispose of household hazardous materials. It also provides an opportunity to educate the public about using safer alternatives, buying only what is needed, and safe use, storage, and disposal of household hazardous materials.

**Site Selection**

The department received five applications to host toxic cleanup Days. All sites are recommended for funding.

**Calhoun County**

Organization: Calhoun County Environmental Health Department  
Date: September 27  
Location: 1<sup>st</sup> Street and Court Street, Rockwell City  
Local cost share \$1,230.75  
DNR Share Not to exceed \$19,769

**Decatur County**

Organization: Wayne-Ringgold-Decatur Solid Waste Management Commission  
Date: September 13  
Location: Decatur County Fairgrounds  
Local cost share \$1,668.50  
DNR Share Not to exceed \$12,332

**Ringgold County**

Organization: Wayne-Ringgold-Decatur Solid Waste Management Commission  
Date: September 13  
Location: Ringgold County Fairgrounds  
Local cost share \$1,122.50  
DNR Share Not to exceed \$14,878

**Wayne County**

Organization: Wayne-Ringgold-Decatur Solid Waste Management Commission  
Date: September 20  
Location: Wayne County Fairgrounds  
Local cost share \$1,826.25  
DNR Share Not to exceed \$13,174

**Woodbury County**

Organization: City of Sioux City and  
Woodbury County Solid Waste Agency  
Date: September 6  
Location: Field Services Headquarters  
Local cost share \$29,363.00  
DNR Share Not to exceed \$12,637

At this time, the Department is requesting Commission approval to amend the contract with Metro Waste Authority to provide Toxic Cleanup Day collection and disposal services for the events to be held in the fall of 2003.

Jeff Myrom presented the item to the Commission.

Heidi Vittetoe asked if this is hauled to Des Moines.

Jeff Myrom said yes, it is hauled to Des Moines and stored until the permitted hazardous waste processor comes to pick it up. There are solid waste agencies in each of the counties but they may not have a regional collection center. Some places do have reuse centers but the majority of them go to hazardous waste processors where they are treated.

Lori Glanzman asked how they figure the local cost share.

Jeff Myrom said that he can get back to her with the details.

*Motion was made by Lori Glanzman to approve the contract for Toxic Cleanup Day. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

#### **CONTRACT – THE ENERGY GROUP - FY2004 DELIVERY CONSULTANT FOR THE IOWA ENERGY BANK PROGRAM**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve a contract for services between the Department and The Energy Group to market the Iowa Energy Bank Program. The contract amount is not to exceed \$120,000 for the period July 1, 2003 through June 30, 2004. This expenditure will result in the continued offering of Iowa Energy Bank Program services including:

- The enrollment of 22 clients (public and private schools, local governments, private colleges, and hospitals) into the Program to identify and install cost-effective energy management improvements.
- The completion of 18 technical engineering analyses on participating client facilities.
- The implementation of energy efficiency improvements totaling \$8 million.
- The offering of one workshop targeted at public officials to increase knowledge of energy efficiency and renewable energy opportunities.

**Background**

The Energy & Waste Management Bureau works with all public facilities in Iowa to reduce energy costs. Using the Iowa Energy Bank Program, public and non-profit facilities identify and implement all cost-effective energy management improvements without up-front costs. The program is a partnership between the public and private sector, offering government administration and private financing.

Public and non-profit facilities in Iowa are in need of \$300 million in cost-effective energy management improvements. In 1986, Iowa developed a program to take advantage of the state's experience in helping implement energy management projects and the abundant capital available from the region's investment bankers, so that public and non-profit facilities could do more to save on energy costs.

The Iowa Energy Bank has been responsible for the implementation of more than \$165 million in improvements. The state is currently saving over \$23 million annually on its public sector energy bills. The Department has spent approximately \$5 million to develop and implement this program; with administrative costs being partially offset by participation fees.

**Contractor Selection**

The Bureau generally solicits proposals for the marketing of the Iowa Energy Bank Program every three years, unless poor performance requires that a new firm be selected earlier. The Bureau mailed the RFP to target audiences, made the RFP available on our web site, and advertised the RFP in two issues of *the Des Moines Register's* Legal Notices section. Proposals were received from The Energy Group, Porches & Associates, and Resource Management Services. A review team consisting of four Bureau staff reviewed the proposals on a number of criteria, including previous experience, quality of the work-plan, budget, and references.

After reviewing the proposals, the review committee selected The Energy Group's proposal. The reasons for the selection included:

- The firm's extensive experience, knowledge and understanding of the financial, technical and motivational perspectives of Energy Bank clients.
- The firm's long history of working with Iowa's investor-owned utilities, municipal utilities, and Rural Electric Cooperatives to assist clients in obtaining incentives and/or rebate programs for Energy Bank clients
- The firm's past record of successful work with the Iowa Energy Bank Program (Since 1990).

A table detailing the reviewers' scores:

	<b>Reviewer 1</b>	<b>Reviewer 2</b>	<b>Reviewer 3</b>	<b>Reviewer 4</b>	<b>Avg. Score (100 max)</b>
<b>The Energy Group</b>	71	71.5	82	72	<b>296.50/4 (74.13)</b>
<b>Resource Management Services</b>	70	68	78	73	<b>289/4 (72.25)</b>
<b>Prochaska &amp; Associates</b>	61	54	63	61	<b>239/4 (59.75)</b>

No general fund monies will be used to meet these obligations.

At this time, the Department requests Commission approval to enter into a contract with The Energy Group for the marketing of the Iowa Energy Bank Program.

Bill Blum presented the item to the Commission.

Heidi Vittetoe asked for an example of a project offered under this contract.

Bill Blum said that a public school would enroll in the Energy bank and with our assistance would select and qualify technical energy analysis. Then either an engineer or architect would come in and study the school facility - (heating ventilation, lighting, energy bills, etc.). This would help determine what energy efforts would be cost effective.

*Motion was made by Lisa Davis Cook to approve the contract with the Energy Group. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PROPOSED RULE--AMEND IAC CHAPTER 567-117 WASTE TIRE MANAGEMENT**

Wayne Gieselmann, Administrator of the Environmental Services Division presented the following item.

Attached for the Commission's information and review is a Notice of Intended Action to amend administrative rule chapter 567-117 "Waste Tire Management." The request for action on this rule chapter will allow the department to include appropriate references to enforcement authority and penalties for non-compliance with provisions of this rule chapter, as contained within Iowa Code chapter 455B.301 through 455B.307.

Inclusion of references to these Iowa Code chapters will ensure that the department has the necessary authority to enforce compliance with the rule chapter. These amendments will provide greater effectiveness, clarity, and consistency with legislative intent and statutory authority for waste tire management and regulation.

The commission will be requested to approve this Notice of Intended Action at its July meeting.

Jeff Myrom presented the item to the Commission.

<b>INFORMATIONAL ONLY</b>
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## **RULEMAKING PETITION – STORMWATER PROGRAM FEES**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

On May 1, 2003, State Representative Dan Rasmussen, on behalf of the Iowa Chapter of the Land Improvement Contractors of America, filed a Petition for Rulemaking requesting the amendment of rules to reduce the permit fees for stormwater permits for construction sites involving less than five acres. The petition specifically requests that the fee be set at \$10 versus the present \$150. A copy of the petition is attached.

Under the provisions of Iowa Code Chapter 17A and 567 IAC Chapter 5, the Commission has 60 days from the date of submission to either:

- deny the petition, stating its reasons for denial, or
- initiate rulemaking proceedings on the subject of the petition.

Effective March 2003, the threshold for construction site stormwater permits was reduced from five acres or more to one acre or more. The Commission approved the rules implementing these and other changes to the stormwater program in September 2002. As a result, stormwater permit coverage must now obtain for smaller construction projects. The stated rationale for the requested change in permit fee is the present \$150 fee unreasonably increases the costs at these smaller sites and is not justified by the amount of work required of the Department.

The stormwater permit program is funded by stormwater permit fees and most stormwater permits are handled with a general permit. Iowa Code Section 455B specifically provides that applicants covered by such general permits shall pay a fee which, in the aggregate, is sufficient to defray the costs of the permit program. Therefore, the impact of reduced fees on the fiscal integrity of the stormwater program should be considered by the Commission when acting on the Petition.

Department staff will present a fiscal analysis of the stormwater program including the best estimates of future revenues versus program costs if the fees for small construction projects is reduced to \$10. Other alternatives to the fee structure as requested in the petition will also be presented.

Jack Riessen presented a power point presentation giving the background, Expenses and Revenues and Revenue implications or reducing fees on the Stormwater Program. (Presentation outline filed.)

Wayne Gieselman said that we did go through a rulemaking on this in February or March, at which the permit fees were a part of that rulemaking. Jeff is sending a letter to the Soil Conservation districts that specifically address the issue of conservation practices. We are willing to take another look at this in another year but right now we have no idea what this will amount to in terms of income and outflow. I recommend that this petition be denied.

*Motion was made by Francis Thicke to deny the petition on the grounds that legislative decisions to divert revenue from the Stormwater Program fund and to under fund unrelated positions that must now be funded by Stormwater Program fees, make it impossible to reduce the fee and still maintain the long-term solvency of the fund. We conclude that the administrative cost issuing of a small site permit is not significantly different from the administrative cost of issuing a large site permit. Seconded by Darrell Hanson. Motion carried unanimously.*

**PETITION DENIED**

**NOTICE OF INTENDED ACTION - CHAPTER 90 -- SCOPE OF TITLE -- DEFINITIONS -- FORMS; CHAPTER 91 -- CRITERIA FOR RATING AND RANKING PROJECTS FOR THE WATER POLLUTION CONTROL STATE REVOLVING FUND; CHAPTER 92 -- STATE REVOLVING FUND LOANS FOR WASTEWATER TREATMENT AND WATER POLLUTION CONTROL; AND CHAPTER 93 --- ONSITE WASTEWATER TREATMENT SYSTEM ASSISTANCE PROGRAM**

Wayne Gieselman, Administrator Environmental Protection Division presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action initiating rulemaking to expand the possible uses of the Water Pollution Control State Revolving Fund program to projects involving nonpoint sources of pollution. The significant changes being proposed would, if adopted:

- Provide for financial assistance for nonpoint source water pollution control projects.
- Consolidate and update the administration requirements for municipal point source water pollution control projects.
- Provide the criteria for rating and ranking of both point source and nonpoint source water pollution control facilities.

- Allow the use of four set asides to target state revolving fund money to nonpoint source water pollution control projects: livestock water quality facilities, local water protection projects, onsite wastewater treatment systems and general nonpoint source control projects.
- Allow the use of linked deposits and a pass through loan as mechanisms to provide financial assistance to nonpoint source control projects.
- Remove references to the defunct wastewater construction grants program.

It is being proposed the existing Chapters 90 through 93 be rescinded and replaced with the new Chapters as indicated above.

These changes are needed to implement SF 2145 passed in 2002, to bring the rules up to date, and implement the Governor's Executive Order Number 8.

Senate File 2145 removed the restriction from state law that only municipalities are eligible for assistance from the state revolving fund. By removing this restriction, the Department now can provide financial assistance to individuals and other entities to implement water pollution controls for nonpoint sources of pollution.

Jack Riessen said that the state provides a 20% match through the sales state bonds. We work closely with the Iowa Finance Authority administrating this program. We ask for your approval on this Notice of Intended Action.

Jerry Peckumn asked if there is enough money in the fund. Is this the fund that has been used to upgrade waste treatment facilities for cities?

Jack Riessen said that there is. The EPA has been telling us that there is more money than what we can use on an annual basis. That's changing, but this is the direction we need to go. Yes, this money is also used for the waste treatment facilities.

Francis Thicke asked Jack to clarify what the eligibility is for CAFOs through this kind of funding and the limitations.

Jack Riessen said any CAFO that is considered a point source would not be eligible. Generally, any open lot over a thousand animal units they would be a point source and they could not get assistance through this program.

*Motion was made by Jerry Peckumn to approve the item as presented. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## MONTHLY REPORTS

Wayne Giesleman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
June 1, 2003

Proposal	Notice to Commission	Notice Published	ARC #	Review Committee	Rules Hearing	Comment Period	Summary to Commission	Final Rule Adopted	Rules Published	ARC #	Rules Review Committee	Rules Effective
1. Ch. 20, Ch. 28 – Ambient Air Quality Standards (CAFO)	7/22/02	8/21/02	1876B	9/10/02	9/17, 24, 30; 10/02	10/04/02	4/21/03	4/21/03	5/14/03	2465B	6/09/03	*6/18/03
2. Ch. 21, Ch. 22, Ch. 23 and Ch. 25 – Air Quality Program Rules – Updates, Revisions and Additions	5/19/03	*6/11/03		*7/08/03			*8/18/03	*8/18/03	*9/17/03		*10/06/03	*10/22/03
3. Ch. 22 – Controlling Pollution – Title V Operating Permit Fees	2/17/03	3/19/03	2356B	4/14/03	4/08/03	4/08/03	5/19/03	5/19/03	*6/11/03		*7/08/03	*7/16/03
4. Ch. 22 – Air Construction Permitting Exemptions	4/21/03	5/14/03	2467B	6/09/03	6/13/03	6/13/03	*7/21/03	*7/21/03	*8/20/03		*9/08/03	*9/24/03
5. Ch. 23 – Emission Standards for Contaminants – Open Burning	6/16/03	*7/09/03		*8/05/03			*9/15/03	*9/15/03	*10/15/03		*11/04/03	*11/19/03
6. Ch. 28 – Ambient AQ Sampling Manual	8/19/02	9/18/02	1990B	10/09/02	10/08, 15, 16, 23/02	11/01/02	4/21/03	4/21/03	5/14/03	2468B	*7/08/03	*7/16/03
7. Ch. 61 – Water Quality Standards; Ch. 72 – Criteria for Approval	12/16/02	1/08/03	2228B	2/14/03	2/4-11/03	2/11/03	5/19/03	5/19/03	*6/11/03		*7/08/03	*7/16/03
8. Ch. 65 – Animal Feeding Operations; Ch. 70 – Flood Plain Development; Ch. 72 –	12/16/02	1/08/03	2229B	2/14/03	2/3,4,6,7/03	2/07/03	4/21/03	4/21/03	5/14/03	2466B	6/09/03	*6/18/03

Criteria for Approval (Confinement Feeding Operations on Flood Plains)												
9. Ch. 90, 91, 02 and 93 – Water Pollution Control – Updates, Revisions and Additions	6/16/03	*7/09/03		*8/05/03	*7/30, 31/03 *8/04/03	*8/04/03	*9/15/03	*9/15/03	*10/15/03		*11/04/03	*11/19/03
10. Ch. 109 – Special Waste Authorizations	2/17/03	3/19/03	2357B	4/14/03	4/08/03	4/08/03	5/19/03	5/19/03	*6/11/03		*7/08/03	*7/16/03

Monthly Variance Report May, 2003						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Cargill, Inc.-Iowa Falls	Air Quality		Permit Requirements	Approved	05/14/03
2	Central Disposal Systems-Lake Mills	Air Quality		Permit Requirements	Approved	05/22/03
3	Creston, City of	Air Quality		Fugitive Dust	Denied	05/27/03
4	Guardian Industries-DeWitt	Air Quality		Emission Standard	Denied	05/22/03
5	Pella, City of	Air Quality		Permit Requirements	Approved	05/12/03
6	Coralville, City of	Wastewater Construction	MMS Consultants, Inc.	Check Valve Location	Denied	05/29/03
7	Gruver, City of-(Iowa Rural Water Association)	Wastewater Construction	McClure Engineering Co.	Directional Boring, Sewer Slope	Approved	05/05/03
8	Hamilton, City of-(Iowa Rural Water Association)	Wastewater Construction	Garden & Associates	Manhole Spacing	Approved	05/13/03

9	Hamilton, City of-(Iowa Rural Water Association)	Wastewater Construction	Garden & Associates	Minimum Sewer Size	Approved	05/13/03
10	Hamilton, City of-(Iowa Rural Water Association)	Wastewater Construction	Garden & Associates	Cleanouts	Approved	05/13/03
11	Hamilton, City of-(Iowa Rural Water Association)	Wastewater Construction	Garden & Associates	Directional Boring, Sewer Slope	Approved	05/13/03
12	Jesup, City of	Wastewater Construction	Helland Engineering & Surveying	Sewer Grade	Approved	05/09/03
13	Luxemburg, City of	Wastewater Construction	IIW Engineers and Surveyors	Sewer Grade	Approved	05/13/03
14	Melrose, City of-(Iowa Rural Water Association)	Wastewater Construction	McClure Engineering Co.	Valve Pit	Approved	05/13/03
15	Promontory Pointe Subdivision-Guthrie County	Wastewater Construction	Steve Jones, P.E.	Site Separation	Approved	05/05/03
16	Dallas County-Jordan Creek Mall-South Stormwater Detention Basin	Flood Plain	Shive-Hattery, Inc.	Storm/Storage Capacity	Approved	05/29/03
17	Greene County-IADOT Concrete Slab Bridge over West Buttrick Creek	Flood Plain	WHKS & Co.	Freeboard	Approved	05/19/03
18	Jefferson County-Chautauqua Bridge over Crow Creek	Flood Plain	French-Reneker-Associates, Inc.	Freeboard	Approved	05/20/03
19	Timber Ridge Mobile Home Park-Benton County	Wastewater Operation		Monitoring Frequency	Approved	05/12/03
20	Buena Vista County Landfill	Solid Waste	Kuehl & Payer, Ltd.	Financial Assurance	Approved	05/28/03
21	Wapello Rural Water Association	Watersupply Construction	Garden & Associates	Installation Procedures	Approved	05/19/03

Iowa Department of Natural Resources  
Environmental Services Division  
Report of Hazardous Conditions

During the period May 1, 2003, through May 31, 2003, 66 reports of hazardous conditions were forwarded to the central office.  
A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month Incidents	Total chemical	Agri-Products	Petroleum Chemicals	Substance			Mode			Other*
				Other Facility	Transport	Fixed	Pipeline	Railroad	Fire	
October	55 (73)	4 (9)	40 (51)	11 (13)	18 (28)	32 (36)	1 (2)	2 (0)	0 (2)	2 (5)
November	57 (72)	13 (8)	29 (49)	15 (15)	18 (28)	36 (33)	0 (2)	0 (1)	1 (0)	2 (8)
December	40 (57)	2 (2)	27 (44)	11 (11)	12 (22)	24 (28)	1 (2)	2 (0)	0 (2)	1 (3)
January	40 (81)	6 (4)	17 (59)	17 (18)	12 (21)	24 (53)	1 (0)	2 (3)	0 (0)	1 (4)
February	39 (62)	1 (4)	29 (44)	9 (14)	11 (20)	18 (37)	1 (1)	6 (2)	0 (1)	3 (1)
March	38 (93)	5 (8)	22 (68)	11 (17)	8 (27)	24 (57)	1 (1)	2 (1)	0 (3)	3 (4)
April	78 (155)	29 (47)	34 (83)	15 (24)	23 (44)	44 (99)	1 (2)	1 (1)	2 (5)	7 (4)
May	66 (112)	22 (29)	34 (73)	10 (10)	21 (22)	35 (81)	1 (0)	1 (2)	1 (0)	7 (7)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	413 (705)	82 (111)	232 (471)	99 (122)	123 (212)	237 (424)	7 (10)	16 (10)	4 (13)	26 (36)

Total Number of Incidents Per Field Office This

1	2	3	4	5	6
13	7	7	8	20	11

(numbers in parentheses for same period last year)  
\*Other includes dumping, theft, vandalism and  
unknown

# Environmental Protection Commission Minutes

June 2003

Iowa Department of Natural Resources  
Environmental Services Division  
Report of Manure Releases

During the period May 1, 2003, through May 31, 2003, 6 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month Incidents Impacts	Total Application	Feedlot Water	Confinement	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	10 (4)	0 (0)	5 (2)	1 (2)	4 (0)	9 (3)	1 (0)	0 (1)	0 (0)	1 (2)
November	12 (9)	0 (1)	4 (2)	3 (2)	5 (4)	12 (8)	0 (1)	0 (0)	0 (0)	0 (1)
December	5 (3)	0 (0)	1 (2)	0 (0)	3 (1)	3 (2)	0 (0)	1 (1)	0 (0)	0 (1)
January	3 (1)	0 (0)	2 (1)	0 (0)	0 (0)	2 (1)	0 (0)	0 (0)	0 (0)	1 (0)
February	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	1 (0)
March	1 (3)	0 (0)	1 (1)	0 (1)	0 (1)	1 (2)	0 (1)	0 (0)	0 (0)	0 (1)
April	3 (6)	0 (0)	2 (4)	0 (1)	0 (1)	1 (6)	1 (0)	0 (0)	0 (0)	0 (3)
May	6 (6)	0 (0)	4 (3)	1 (3)	1 (0)	6 (2)	0 (4)	0 (0)	0 (0)	1 (3)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>41 (32)</b>	<b>0 (1)</b>	<b>20 (15)</b>	<b>5 (9)</b>	<b>0 (0)</b>	<b>35 (24)</b>	<b>2 (6)</b>	<b>1 (2)</b>	<b>0 (0)</b>	<b>4 (11)</b>

(numbers in parentheses for the same period last year)  
Total Number of Incidents Per Field Office This

1	2	3	4	5	6
1	2	1	1	0	1

**DATE:** June 1, 2003

**TO:** EPC

**FROM:** Mike Murphy

**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
M.A., Inc.; Spring Grove Mobile Home Park, Burlington (6)	Wastewater	Compliance Schedule; Discharge Limits	Order	5/06/03
Percy Zylstra, Osceola Co. (3)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria	Order/Penalty \$2,000	5/06/03
Jolly Roger Recreation and Marina, North Liberty (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Requirements; Public Notice	Order/Penalty \$600	5/09/03
Pita Corporation; Larry Swanson, Grinnell (5)	Underground Tank	Leak Detection	Order/Penalty \$750	5/09/03
Casey's General Store #2472,	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Construction	Order/Penalty	5/09/03

E00June-27

June 2003

# Environmental Protection Commission Minutes

Nichols (6)		Without Permit	\$5,000	
Casey's General Stores, Inc., Red Oak, Greenfield, Glidden, Hamburg (4)	Underground Tank	Leak Detection	Order/Penalty \$4,500	5/14/03
Casey's General Stores, Inc., Clive, Altoona, Ankeny, Oskaloosa, Indianola, Knoxville, Osceola, Polk City, Forest City, Boone, Red Oak, Urbandale, Des Moines (2) (4) (5)	Underground Tank	Leak Detection	Order/Penalty \$15,000	5/14/03
Ron Fisher Furniture, Marshalltown (5)	Air Quality	Construction Without Permit	Order/Penalty \$3,000	5/15/03
C.D. Moore d/b/a Skate U, Iowa Falls (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Operation Without Permit	Referred to AG	5/19/03
Johnny B Good's, Dyersville (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$500	5/23/03
D & D Ag Enterprises, LLC, Kellerton (4)	Animal Feeding Operation	Land Application Separation Distance	Order/Penalty \$2,000	5/23/03
Iowa Select Farms, Inc.; Iowa Select Farms, L.P., Clarke Co., Union Co. (4)	Animal Feeding Operation	Land Application Separation Distance	Order/Penalty \$1,000	5/23/03
Muscatine Used Parts, Inc., Muscatine (6)	Wastewater Solid Waste	Stormwater – Operation Without Permit; Illegal Disposal	Order/Penalty \$10,000	5/23/03
McMahon's Bar & Ballroom, Andover (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty \$500	5/23/03
Brad Taylor, Pottawattamie Co. (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,500	5/23/03
New Horizon Pork, LLP, Fayette Co. (1)	Animal Feeding Operation	Prohibited Discharge - Confinement	Order/Penalty \$500	5/23/03
Ankeny, City of (5)	Drinking Water	Monitoring/Reporting – Nitrate, Other Inorganics, Organics, Radioactivity	Order/Penalty \$1,000	5/23/03
Ankeny, City of (5)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty \$10,000	5/23/03

## IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

**DATE:** June 1, 2003  
**TO:** Environmental Protection Commission  
**FROM:** Michael P. Murphy  
**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Deer Ridge Estates (Ottumwa)	WS	100	4-30-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01

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T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Coralville, City of (SEF)	WW	3,000	2-11-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Days Inn 2 <sup>nd</sup> Addition (Williamsburg)	WS	10,000	4-07-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Sid's Gas & Groceries (Forest City)	WS	200	6-26-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Mitchell Town Pump (Mitchell)	WS	500	7-09-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	1,750	9-15-02
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	1,750	9-15-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500	10-04-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Rayburn Court for Mobile Homes (Mason City)	WS	500	11-24-02
Matter's Ballroom (Decorah)	WS	300	11-29-02
* Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	700	12-15-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
Sanborn P & L, Inc.; Douglas R. Bras (Sioux City)	UT	3,040	1-06-03
Richard Ogden (Manchester)	WS	2,500	1-07-03
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
* George Redman (Mitchellville)	AQ	2,267	1-15-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
# Dave Jones (Union Co.)	AFO	1,550	2-14-03
Monsanto Company (Aplington)	AQ	3,000	2-14-02
* Moonshine Tap (New Hampton)	WS	250	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	1,300	3-01-02
Lidderdale, City of	WS	500	3-04-03
Cargill, Inc. (Cedar Rapids) SEP	AQ	1,000	3-11-03
Nevada, City of SEP	WW	3,000	3-14-03
* Allison, City of	AQ	1,000	6-01-03
Lidderdale, City of	WW	10,000	4-08-03
Bernard H. Cohrs; Cohrs Construction Co. (Dickinson Co.)	AQ/SW	7,000	4-09-03
Iowa City Ready Mix, Inc. (Iowa City)	WW	1,000	4-19-03
John and Bernice Danner (Lucas Co.)	WW	2,000	4-28-03
* Rocky Knoll Mobile Home Park (Forest City)	WS	1,200	5-01-03
Dennis Huedepohl; Breckenridge Estates (Iowa City)	WW	500	5-26-03
Brogan's Pub & Grub (Palo)	WS	750	5-27-03
*#Robert Fisher (Hamilton Co.)	AFO	800	6-01-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03

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Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Fern Valdez (Warren Co.)	SW	4,000	6-09-03
* Paul L. Nagle (Clear Lake)	AQ	200	6-15-03
* Bog's Bar (Langworth)	WS	200	6-19-03
# James Masching (Carroll Co.)	AFO/WW	5,000	6-25-03
Midwest Farmers Coop (Sheldon) Natural Resources Damages	WW	75,000	6-30-03
Larry Pogue; Independence MHP (Independence)	WS	2,000	6-30-03
# Kevin Hohbach (Taylor Co.)	AFO	2,000	6-30-03
Stockton, City of	WS	200	7-01-03
# James Boller (Kalona)	AFO	5,000	7-11-03
# Percy Zylstra (Osceola Co.)	AFO	2,000	7-12-03
Pita Corporation; Larry Swanson (Grinnell)	UT	750	7-13-03
Jolly Roger Recreation and Marina, Inc. (North Liberty)	WS	600	7-14-03
#Avery Feeder Pig Co. (Humboldt Co.)	AFO	1,750	8-01-03
* Quality Mat Co., Inc. (Waterloo)	AQ	2,863	12-15-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	-----
Casey's General Stores, Inc. (4 Locations)	UT	4,500	-----
Johnny B Good's (Dyersville)	WS	500	-----
McMahon's Bar & Ballroom (Andover)	WS	500	-----
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500	-----
Muscatine Used Parts, Inc. (Muscatine)	SW/WW	10,000	-----
# New Horizons Pork, LLP (Fayette Co.)	AFO	500	-----
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000	-----
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000	-----
Independence Mobile Home Park (Independence)	WS	800	-----
Alva Parker (Ringgold/Union Co.)	AQ/SW	10,000	-----
Scooter's Tower Club (Cresco)	WS	500	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Ankeny, City of	WS	1,000	-----
Ankeny, City of	WW	10,000	-----
Ron Fisher Furniture (Marshalltown)	AQ	3,000	-----
<b>TOTAL</b>		<b>443,255</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
#Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Summer)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition;	AQ/SW	1,000	7-01-00
Clara Lindstadt (Des Moines Co.)			
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00

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* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Air Bears II (Thompson)	WS	300	7-13-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
<b>TOTAL</b>		<b>229,064</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Titan Wheel International, Inc. (Walcott)	WW	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790

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Long Branch Maintenance Corp. (Earlham)	WW	5,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods - Council Bluffs)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Mike Messerschmidt (Martinsburg)	AQ/SW	500
Well's Dairy, Inc. (LeMars)	WW	10,000
William Habhab (Fort Dodge)	SW	1,500
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
# Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.)	AFO	1,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
ITWC, Inc. (Brooklyn)	AQ	7,500
Marion F. Murray; Murray's Transfer & Storage (Davenport)	UT	2,480
Wellington Environmental (Iowa City)	AQ	1,000
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	3,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Waukon Golf and Country Club (Waukon)	UT	2,480
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Caldwell Meats, Inc.; James Caldwell (Marshalltown)	UT	1,990
Walker Brothers Livestock Corp. (Washington)	WW	5,000
# Iowa Select Farms, L.P.; Stockdale Sow Unit (Hardin Co.)	AFO	10,000
Sully Transport; Bice Oil Co.; Tim Bice (Guthrie Co.)	WW/HC	5,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
Lewis Contracting Co.; Randy Lewis (Red Oak)	WW	3,500
Carleton Tansport Service, Inc. (Sioux Rapids)	WW/HC	5,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
Larry Whitehead (Sidney)	UT	10,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Ankeny, City of	WW	10,000
Diwan, LLC; Ranbir Thakur (Davenport)	UT	10,000
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000

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# Doug Osweiler (South English)	AFO	5,000
Interstate Grain, Inc. (Mason City)	AQ	4,000
Cass County; Cass County Engineer	AQ	5,000
Audubon, City of	WW	10,000
C.J. Moyna & Sons, Inc. (Elkader)	WW	10,000
Langman Construction, Inc. (Bettendorf)	WW	10,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Einck Dairy; D & J Pumping (Winneshek Co.)	AFO	4,000
Fran-Gard Properties, Inc.; Frank Gardner (Cedar Rapids)	WW	10,000
# Daniel E. Wilson (Prairie City)	AFO	2,000
# Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry Peterson (Shelby Co.)	AFO	5,000
# Tim Schrock; Devon Schrock (Washington Co.)	AFO	4,000
# Gary Muller (Griswold)	AFO	5,000
David Elias (Iowa City)	WW	1,000
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
Keokuk County; Keokuk County Engineer	AQ/SW	4,000
# Larry Noel (Floyd Co.)	AFO	2,000
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Frederika's Stein & Dine (Frederika)	WS	2,875
# Natural Pork Production II (Shelby Co.)	AFO	10,000
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	3,400
Denny Geer (Taylor Co.)	AQ/SW	3,000
Casey's General Stores, Inc. #2472 (Nichols)	WS	5,000
McCollister and Company (Council Bluffs)	AQ	8,000
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	4,300
<b>TOTAL</b>		<b>517,060</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
# Bernadette Ryan (Delaware Co.)	AFO	1,000
*Robert Fisher (Hamilton Co.)	AFO	100
* Paul L. Nagle (Clear Lake)	AQ	100
# Donald Kurtenbach (Chickasaw Co.)	AFO	1,500
* Kiefer Built, Inc. (Kanawha) PAID IN FULL	AQ	2,500
Groschopp, Inc. (Sioux Center)	AQ	4,000
Panora, City of	AQ	1,000
Oscar Hahn (Solon)	AQ/SW	2,000
* Allison, City of	AQ	500
# New Fashion Pork, Inc.; NFP Farms, LLP (Adams Co.)	AFO	2,000
R.V. Hopkins (Interest)	AQ	1,000
#Avery Feeder Pig Co. (Humboldt Co.)	AFO	250
#Harold Selim (Union Co.) PAID IN FULL	AFO	500
Champion Environmental Services, Inc. (Muscatine)	AQ	6,000
Ellis Implement, Inc.; Douglas Shaffer (Coggon)	UT	1,420
Holiday Mobile Lodge, Inc.; Allie Alberhasky (Iowa City)	AQ/SW	1,000
Dennis Frederickson; Mark Frederickson (Cass Co.)	AQ/SW	500
Vessel Systems, Inc. (Dubuque)	AQ	1,000
# Frank Greene (Iowa Co.)	AFO	300
# Carl Eklund (Union Co.)	AFO	2,000
<b>TOTAL</b>		<b>26,670</b>

The following SEP payments were paid last month:

Deer Track Subdivision; F & J Enterprises (Mills Co.)	WW	500
SEP paid to Mills Co. Conservation Board		

The following penalties have been withdrawn:

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Don Casterline; Myron Casterline (Van Wert)  
 # Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)

UT 2,000  
 AFO/SW 2,500

Department of Natural Resources  
 Environmental Protection Commission  
 Attorney General's Referrals  
 June 1, 2003

Name, Location & Region #	Program	Alleged Violation	DNR Action	New or Updated Status	Date
ABC Disposal Systems Hiawatha (1)	Solid Waste	DNR Defendant	Defense	Petition Filed Hearing Ruling for State Notice of Appeal	6/26/02 10/07/02 12/26/02 1/28/03
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial	3/20/00 4/19/00 2/26/01 4/20/01 3/31 to 4/02/03
Barton, Randy and Theresa Kellerton (4) <b>UPDATED</b>	Air Quality	Open Burning	Order/Penalty	Referred Order Granting Judgment	10/21/02 5/27/03
Bauer, Michael Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Default Judgment	2/18/02 8/08/02 9/23/02
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	Solid Waste	Solid Waste Violations	Order/Penalty	Referred	5/20/02
BCD Corporation Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	3/17/03
Bulk Petroleum Corp.; Store #536 Store #537 Des Moines (5)	Underground Tank	Record Keeping	Order/Penalty	Referred	3/17/03
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Operation Without Permit	Order/Penalty	Referred	10/21/02
Davis, Richard Wapello Co. (6)	Air Quality	Asbestos	Order/Penalty	Referred Petition Filed	8/19/02 11/27/02
Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense	Petition Filed Answer	4/16/02 5/09/02
Hansel, Dave Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan; Record Keeping; Uncertified Applicator	Order/Penalty	Referred	2/17/03
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed Tier I Assessment Completed by New Owner Tier II Assessment in Progress	11/21/94 4/18/96 9/20/96 9/20/96
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)	Animal Feeding Operation	Prohibited Discharge Confinement	Referred to Attorney General	Referred Petition Filed	2/18/02 2/03/03

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Johansen, Don d/b/a Bog's Bar Langworthy (1)	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	11/18/02
Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1)	Drinking Water	Monitoring/Reporting-Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty	Referred	11/18/02
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred	3/17/03
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition State's Motion for Partial Summary Judgment Order Regarding Partial Summary Judgment	4/17/99 6/01/01 11/08/02 12/16/02
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date Trial Continued	8/17/98 11/05/99 10/29/02
Lindhahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	5/21/01
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Reporting; Operational Violations; Operator Discipline	Order/Penalty	Referred	1/21/03
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02
Meixner, Larry; Air Bears II Thompson (2)	Drinking Water	Monitoring/Reporting – Bacteria; Nitrate	Order/Penalty	Referred	4/21/03
M-F Real Estate, Inc.; Fred Levell Carter Lake (4)	Hazardous Condition	Remedial Action	Order/Penalty	Referred	9/16/02
Mobile World L.C. Clinton (6)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty	Referred	11/18/02
Moore, C. D. d/b/a Iowa Skate U Iowa Falls (2) <b>NEW</b>	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria, Nitrate	Order/Penalty	Referred	5/19/03
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred Petition Filed Default Entered	2/19/01 3/20/02 11/12/02
Oberly, Marvin Burlington (6)	Wastewater	Operation Without Permit	Order/Penalty	Referred	7/15/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03
Paplow, Dave Indianola (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	3/17/01

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Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
Schaffer, Dale Kent (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/21/03
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02
Smesrud, Shannon d/b/a Bubba's Bar & Grill Cresco (1)	<b>UPDATED</b> Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order	Referred Referral Withdrawn	11/18/02 5/09/03
Trafton Environmental, Inc.; Harry Trafton; Interstate Lounge, Inc. Underwood (4)	Underground Tank	UST Closure	Order/Penalty	Referred	2/17/03
Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	Wastewater	Operation Pollution Violations	Without Permit; Prevention Plan	Order/Penalty	Referred 2/17/03
Vessel Systems, Inc. Dubuque (1)	Air Quality	Construction Without Permit	Order/Penalty	Referred	11/18/02
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh Davenport (6)	Underground Tank	Corrective Action; Failure to Report a Release; Leak Detection	Referred to Attorney General	Referred	3/17/03
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6)	Underground Tank	Failure to Initiate Corrective Action-CDR	Referred to Attorney General	Referred	10/21/02

## Contested Cases

7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	2/03 – Site assessment underway.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.
12/16/98	Richard Swaites		Permit Denial	FP	Clark	1/02/03 – Settlement reached pending remedial work and withdrawal of appeal.
1/13/99	Bernadette Ryan	1	<b>Admin. Order/Penalty</b>	<b>AFO</b>	<b>Clark</b>	<b>5/06/03 – First penalty settlement installment received. 5/13/03 – Appeal dismissed.</b>
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	2/28/03 - New facilities are completed. Settlement offer made.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	4/03 – Settled. Agreement reached. Consent order to be signed.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	9/30/02 – Penalty settlement offer accepted. Monthly installments commenced 11/01/02.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance achieved. Penalty settled for \$3,000. Payment plan established. \$800 paid to date.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	<b>9/9/02 – Letter received from city engineer regarding compliance schedule and appeal issues. 10/24, 25/02 – Letters received from City engineer regarding appeal and WWTF improvements. 12/02 – WW permit staff requested to draft</b>

						<b>amended permit to resolve appeal. 1/31/03 – Report on status of permit requested from WW staff. 4/29/03 – Report from Dept. engineer regarding status of City's WWTF project. 5/03 – Dept. WW permits section received plans and specs from City.</b>
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 4/03.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. Second payment received 12/15/02.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction completed. Waiting for proof of costs incurred in order to negotiate penalty.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established. 5/02 – First two penalty payments received.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	<b>5/28/03 – Letter to Kronlage urging him to contact his attorney regarding settlement possibilities.</b>
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	3/1/03 – Negotiating before filing.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	<b>Settled. Awaiting penalty payment.</b>
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Permit amended to resolve appeal. Awaiting dismissal by Fansteel.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/03 – Negotiating before filing.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/16/01	<b>Richard Thompson; Thompson Auto Parts</b>	<b>5</b>	<b>Admin. Order/Penalty</b>	<b>SW/WW</b>	<b>Tack</b>	<b>2/06/03 – Penalty paid. Tire management plan submitted. Compliance achieved. Case closed.</b>
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Tier 2 received – under review.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order. 2/03 – Per FO5 project progressing as required.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc. 1/31/03 – Status report requested from FO5. 1/31/03 – Facility to re-open under new owners, Iowa Quality Beef, in mid-March, 2003.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	4/23/03 – Sent to DIA.
7/10/01	<b>Midway Oil Co. (West Branch – 8603858)</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>UT</b>	<b>Wornson</b>	<b>4/4/03 – ALJ proposed decision affirming AO. No appeal. Decision final. Case closed.</b>
7/10/01	<b>Midway Oil Co. (Davenport – 8602775)</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>UT</b>	<b>Wornson</b>	<b>4/4/03 – ALJ proposed decision affirming AO. No appeal. Decision final. Case closed.</b>
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	<b>Admin. Order/Penalty</b>	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	2/28/03 – Proposed consent order with attachments sent to facility attorney for review/signature. 3/03 – Further information concerning WWTF sent by facility engineer. 4/03 – Revised consent order drafted.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. Revisions required. Negotiating penalty.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Compliance mostly achieved. Confirmational monitoring. Negotiating penalty.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Settled. Penalty payment plan established.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	<b>Clean-up underway.</b>

1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff. 3/03 – One year of TKN monitoring completed by City. Review of data completed by WW permits staff. 4/13/03 – Dept. letter to City attorney regarding review of TKN data and Dept. conclusions regarding such data. Hearing re-set for 6/20/03.
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	<b>8/16/02 – First penalty payment received. Final payment due 9/15/02. Reminder letter sent 5/30/03.</b>
3/20/02	Mike Messerschmidt	6	<b>Order/Penalty</b>	<b>AQ/SW</b>	<b>Book</b>	<b>2/26/03 – ALJ decision affirms order. No appeal. 4/9/03 – Collection letter sent. Case closed.</b>
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	<b>4/26/02 – Letter sent to company attorney regarding request for stay of order. 5/21/02 – Letter received from company attorney. 6/13/02 – Dept. settlement response to Co. attorney. 7/02 – Dept. letter to Co. attorney. 8/22/02 – Informal meeting held to discuss settlement. 1/27/03 – Revised treatment agreement received from company attorney. 2/12/03 – Revised settlement offer sent by Co. attorney. 4/30/03 – Dept. response to settlement offer. 5/30/03 – Co. accepted Dept. counter offer. Consent Order to be drafted.</b>
4/30/02	<b>Dennis Frederickson; Mark Frederickson</b>	4	<b>Order/Penalty</b>	<b>AQ/SW</b>	<b>Preziosi</b>	<b>Settled. 5/23/03 – Penalty payment received. Case closed.</b>
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	Hearing re-set for 6/10/03.
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	Negotiating before filing.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Negotiating before filing.
5/08/02	<b>Swine Graphics Enterprises, L.P., ADL V Sow Farm</b>	5	Order/Penalty	<b>AFO</b>	<b>Murphy</b>	<b>5/2/03 – ALJ decision. No appeal. Case closed.</b>
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	Negotiating before filing.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	<b>5/01/03 – Settled. Monthly installment commenced 5/15/03.</b>
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Settled. Consent amendment agreed upon.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 – Richard Caves' bankruptcy pending. Negotiating resolution.
6/14/02	<b>Deer Track Subdivision; F &amp; J Enterprises</b>	4	<b>Order/Penalty</b>	<b>WW</b>	<b>Murphy</b>	<b>\$500 SEP paid to Mills Co. Conservation Board. Case closed.</b>
6/17/02	Allison, City of	2	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
6/27/02	Northwest Iowa Solid Waste Agency	3	Stipulated Penalties	SW	Tack	<b>6/02/03 – Sent to DIA.</b>
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months.
7/05/02	Marion Murray; Murray Transfer and Storage	6	Order/Penalty	UT	Wornson	Tank closure completed. Negotiating penalty.
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	Partial compliance achieved. Agreement to complete.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	9/26/02 – Amended order issued.
7/15/02	Grinnell Properties, Inc.; David Hamilton	5	Order/Penalty	UT	Wornson	Settlement agreement. Hearing postponed indefinitely.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	Negotiating before filing. \$500 penalty payment received for uncontested portion. 12/02 – City requested to submit revised report.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	Negotiating before filing.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Closure sampling received. Further assessment required. Negotiate penalty.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	Clean-up under way. Next inspection scheduled for 3/1/03.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	Negotiating before filing.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	<b>Order/Penalty</b>	<b>AQ/SW</b>	<b>Tack</b>	Mr. Siems is scheduling clean-up. Penalty to be negotiated following clean-up.
10/02/02	Sioux City, City of	3	<b>Permit Conditions</b>	<b>FP</b>	<b>Clark</b>	Negotiating before filing.
10/21/02	Caldwell Meats, Inc.;	5	<b>Order/Penalty</b>	<b>UT</b>	<b>Wornson</b>	Negotiating before filing.

10/24/02	James Caldwell					
	Harold L. Foster; Carolyn Foster; Golin, Inc.	4	<b>Order</b>	UT	Wornson	Fosters appealed. Golin, Inc. and Webers did not. Tank closure completed. Negotiate penalty.
11/04/02	Walker Bros. Livestock Corp.	6	<b>Order/Penalty</b>	WW	Murphy	Negotiating before filing.
11/12/02	Audubon, City of	4	<b>Order/Restitution Claim</b>	WW	Murphy	Hearing set for 6/16/03.
11/12/02	Sully Transport, Inc.; Bice Oil Co.; Tim Bice	4	<b>Order/Penalty</b>	WW/HC	Wornson	Tier 1 completed.
11/13/02	Iowa Select Farms, L.P., Stockdale Sow Unit	2	<b>Order/Penalty</b>	AFO	Murphy	<b>Briefs submitted 5/16/03. Oral argument to ALJ 6/9/03.</b>
11/18/02	Randy Lewis & Lewis Contracting Co.	4	<b>Order/Penalty</b>	WW	Murphy	Negotiating before filing.
11/22/02	Schell Family Partnership	5	<b>Order/Penalty</b>	SW/HC	Tack	<b>Waiting for engineer's cost estimates.</b>
11/27/02	River Development; Russell Hardy	2	<b>Order/Penalty</b>	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	<b>Order/Penalty</b>	WW	Murphy	Negotiating before filing.
12/09/02	Carleton Transport Service, Inc.	3	<b>Order/Penalty</b>	WW/HC	Murphy	2/28/03 – Settled. Awaiting penalty payment.
1/13/03	Merrell Butler	4	<b>Order/Penalty</b>	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Glen Samuelson	4	<b>Order/Penalty</b>	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Butler Custom Pumping; Robert Butler	4	<b>Order/Penalty</b>	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Langman Construction; Charles Langman	5	<b>Order/Penalty</b>	WW	Murphy	4/29/03 – Settlement offer.
1/13/03	C. J. Moyna & Sons, Inc.; John P. Moyna	5	<b>Order/Penalty</b>	WW	Murphy	<b>Settled. Awaiting SEP payment.</b>
1/14/03	Monsanto	2	<b>Order/Penalty</b>	AQ	Preziosi	Negotiating before filing.
1/24/03	Kuntz Farms, Inc.	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/27/03	Larry Whitehead	4	<b>Order/Penalty</b>	UT	Wornson	Compliance completed except for penalty.
1/27/03	Harold Selim	4	<b>Order/Penalty</b>	AFO	Clark	<b>5/20/03 – Settled. Penalty paid. Case closed.</b>
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	<b>Order/Penalty</b>	AFO	Tack	3/18/03 – Settlement offer sent.
1/29/03	Ankeny, City of	5	<b>Order/Penalty</b>	WW	Hansen	<b>Hearing continued.</b>
1/31/03	DIWAN, L.L.C.	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
2/05/03	Landfill of Des Moines, Inc.	5	<b>Order/Penalty</b>	SW	Tack	<b>Hearing continued to 7/10/03. Proposed consent order sent 5/23/03.</b>
2/06/03	Interstate Grain, Inc.	2	<b>Order/Penalty</b>	AQ	Book	Facility closed – in receivership now.
2/10/03	Doug Osweller	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
2/11/03	Cass County; Cass County Engineer	4	<b>Order/Penalty</b>	AQ	Book	4/01/03 – Sent to DIA.
2/14/03	United Suppliers, Inc.	5	<b>Permit Conditions</b>	WW	Hansen	3/03 – Appeal reviewed by WW permits section.
2/24/03	Ray Slach	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/28/03	Ankeny, City of	5	<b>Permit Conditions</b>	WS	Hansen	<b>5/03 – FOS and WS section met with City regarding permit requirements.</b>
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/06/03	Fran-Gard Properties, Inc.; Frank Gardner	1	<b>Order/Penalty</b>	WW	Murphy	4/28/03 – Settlement offer.
3/06/03	Einck Dairy, Inc.; D & J Pumping, Inc.	1	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/12/03	<b>Champion Environmental Services, Inc.</b>	6	<b>Order/Penalty</b>	AQ	Book	<b>5/13/03 – Penalty payment received. Case closed.</b>
3/26/03	Dan Wilson	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/31/03	<b>Holiday Mobile Lodge, Inc.; Alberhasky Family</b>	6	<b>Order/Penalty</b>	AQ/SW	Book	<b>Consent amendment issued. 5/23/03 – Penalty received. Case closed.</b>
4/01/03	Dan Fox d/b/a Modern Manure Hauling; Larry Peterson	4	<b>Order/Penalty</b>	AFO	Murphy	Negotiating before filing.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	<b>Order/Penalty</b>	AFO	Murphy	Negotiating before filing.
4/09/03	Gary Muller	4	<b>Order/Penalty</b>	AFO	Book	<b>Negotiations continued.</b>
4/14/03	Tim Schrock; Devon Schrock	6	<b>Order/Penalty</b>	AFO	Book	Settled. Consent amendment being issued.
4/22/03	David Elias	6	<b>Order/Penalty</b>	WW	Book	<b>Settled. Consent amendment under review.</b>
4/25/03	Ag Processing Inc.	2	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
5/02/03	McCollister and Co.	4	<b>Order/Penalty</b>	AQ	Preziosi	New case.
5/03/03	Keokuk County; Keokuk County Engineer	6	<b>Order/Penalty</b>	AQ/SW	Book	<b>New case. Settled. Consent amendment awaiting Director's signature.</b>
5/07/03	Frederika's Stein & Dine	1	<b>Order/Penalty</b>	WS	Hansen	New case.
5/12/03	Frank Green	6	<b>Order/Penalty</b>	AFO	Clark	<b>New case. Settled. Penalty paid 5/30/03.</b>
5/12/03	Carl Eklund	4	<b>Order/Penalty</b>	AFO	Clark	New case.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	<b>Order/Penalty</b>	AFO	Murphy	New case.

5/15/03	Larry E. Noel	2	Order/Penalty	AFO	Clark	New case.
5/21/03	Natural Pork Production II	4	Order/Penalty	AFO	Murphy	New case.
5/27/03	Casey's General Store #2472	6	Order/Penalty	WS	Murphy	New case.
5/27/03	Rural Iowa Waste Mgmt. Assoc.	2	Order/Penalty	SW	Tack	New case.
5/28/03	Denny Geer	4	Order/Penalty	SW	Tack	New case.
5/30/03	Gingerich Well & Pumping Service, LLC	6	Order/Penalty	WS	Wornson	New case.

**Iowa Department of Natural Resources  
Environmental Services  
Report of WW By-passes**

During the period May 1, 2003 through May 31, 2003, 9 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
<b>October '02</b>	<b>5(9)</b>	1.4	.0291	4	0(0)
November '02	3(4)	1	0.00833	2	0(0)
December '02	4(3)	1	.06875	0	0(0)
January '03	3(4)	2	.8625	0	0(0)
February '03	4(5)	0.8	0.016	2	0(0)
March '03	7(10)	0.1	0.03	2	0(0)
April '03	8(5)	0.3	0.02	1	0(0)
May '03	9(2)	0.717	0.049	4	0(0)
June '03					
July '03					
August '03					
September '03					

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
4	0	0	3	2	

Wayne Gieselman explained the different monthly reports and their purpose to the new Commissioners. He also went on to explain FTE's and the hours paid.

<b>INFORMATIONAL ONLY</b>
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## **GENERAL DISCUSSION**

Jerry Peckumn raised the concern about not having enough people at the July meeting to pass or to deny a petition.

The Commissioners went on to discuss the rules of order and Administrative procedures on voting to pass or deny a rule and who will be able to attend the July meeting.

Wayne Gieselman updated the Commission on the following topics:

The DNR is in the process of drafting the procedure on the cold water stream. We still need more clarification on how they assess streams from our Fisheries people.

We have determined that the discharge from the sewage treatment plant at Backbone is not causing the impairment of the water at Backbone beach.

Catharine Fitzsimmons is heading up a new air permitting process with ABI (Consultant) next week. This will help in making our permit process more efficient. This is not intended to threaten anyone's position but only help make the process more smooth. There will be some industry people, a few DNR employees and consultant members attending these meetings.

The department is preparing the budget that is due on July 1<sup>st</sup>. We are trying to develop an internal Task force dealing with private septic systems, small on-site systems, and unsewered communities.

Last week I met with the Iowa Association of Counties to talk about the Matrix. We're three months into the process. We've issued four permits using the matrix. We had 87 counties enrolled and one dropped out, because they were unable to meet the thirty day deadline.

Jeff Vonk informed the Commission about Charter Agencies and whether or not the DNR will be a Charter Agency. There has been much communication regarding this between the Governor's Office, Department of Management, the consultant group and all Department Director's. A decision will probably be made within the next week.

Donna Buell asked if we ever have joint meetings with the Natural Resources Commission.

Jeff Vonk said that we usually do a joint meeting in January and have a time for socializing. There is also a legislative breakfast held in January for legislators and both commissions.

## **NEXT MEETING DATES**

July 21, 2003

August 18, 2003

September 15, 2003

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Kathryn Murphy adjourned the meeting at 2:45 p.m., Monday, June 16, 2003.

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Jeffrey R. Vonk, Director

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Kathryn Murphy, Chair

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Lisa Davis Cook, Secretary

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